

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

JOSE JUAN MORALES-ARREOLA

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§

CRIMINAL NO. 4:17-CR-4-ALM-KPJ

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 15, 2022, to determine whether Defendant violated his supervised release. Defendant was represented by Michelle Allen-McCoy. The Government was represented by Will Tatum.

On July 25, 2017, United States District Judge Amos Mazzant, III sentenced Defendant to a term of twenty-seven (27) months' imprisonment followed by three (3) years of supervised release. On December 21, 2018, Defendant completed his term of imprisonment and began serving the term of supervision.

On August 13, 2020, the U.S. Probation Officer filed the Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 30). The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; and (2) immediately upon release from confinement, Defendant shall surrender to a duly authorized immigration official for deportation proceedings and, if deported, must remain outside of the United States. *See* Dkt. 30.

The Petition asserts Defendant violated the foregoing conditions as follows:

1. On July 19, 2020, Defendant was arrested by the Allen, Texas, Police Department for Driving While Intoxicated (“DWI”) and Failure to Identify-Giving False/Fictitious Information. Defendant identified himself as “Robert Savedra Rangel.” Officers observed Defendant had the smell of alcohol on his breath, had blood-shot eyes, slurred speech, and was unable to maintain his balance. An initial breath specimen registered .217 blood alcohol content. Upon booking, officers learned of Defendant’s true identity.
2. On December 18, 2018, Defendant was deported to Mexico. On or about July 19, 2020, Defendant committed the offense of Reentry of Deported Alien, a federal offense, as evidenced by his presence and arrest in Allen, Texas.
3. Defendant failed to remain outside of the United States after his deportation, as required.

On March 15, 2022, the Court conducted a final revocation hearing on the Petition. *See* Dkt. 43. Defendant entered a plea of true to allegations two and three, consented to revocation of his supervised release, and waived his right to object to the proposed findings and recommendations of the United States Magistrate Judge. *See* Dkts. 43, 44. The Government moved to dismiss allegation one, which the Court granted. *See* Dkt. 43. The Court finds that Defendant violated the terms of his supervised release, and thus, his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the March 15, 2022 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months, to be served consecutively to any other sentence imposed and with no term of supervised release to follow. The Court further recommends Defendant be placed at a Federal Bureau of Prisons facility in North Texas, if appropriate.

So ORDERED and SIGNED this 18th day of March, 2022.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE